THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 6344 of 2004

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to call for the records relating to the order dated 5.1.2004 in O.A. No. 6805 of 1999 on the file of A.P. Administrative Tribuna, Hyderabad as well as the order of the 3rd respondent dated 6.11.1999 vide Proceedings No. A3/2441/99-Pts., and quash the same and consequently to direct the respondents to pay all the consequential benefits to the petitioners.

Heard the learned counsel for the parties and perused the material available on record.

The petitioners have filed O.A. 6805 of 1999 before the Tribunal questioning the orders issued by the District Collector (Panchayat Raj Wing), Karimnagar on 6.11.1999 cancelling the regularization orders dated 30.1.1997 and proposing to recover the amount paid to them due to the conversion orders said to have been issued by the District Collector (Panchayat Raj Wing) earlier.

The applicants are said to have been working since 1983 on daily wages. While so, proposals were sent to convert them into last grade service and orders were issued on 31.1.1997

converting their posts into last grade service. However, subsequently it was found that certain irregularities were committed in obtaining the orders of conversion and accordingly the Government decided to cancel the orders dated 31.1.1997 and the Government also decided to recover the amounts paid to the petitioners. The Tribunal did not find fault with the action taken by the Government, but directed the respondents to issue notice to the petitioners for recovering the excess amount and take further action for recovery of the amount after receipt of the explanation, if it is found necessary.

As could be seen from the material available on record, it is evident that the petitioners are working since 1983 on daily wages and it is brought to the notice of this Court that they were paid a very meager amount and subsequently the District Collector enhanced the salaries of the petitioners from the fixed pay of Rs.360/- to Rs.238/- plus usual allowances admissible under the Rules. Thus, the petitioners are admittedly working with the paltry amount as stated above. It is settled law that keeping in view the principles of natural justice recovery from the persons who are drawing paltry amount cannot be done, more so when no fault lies on their part . Therefore, keeping in view the nature of the job the petitioners are doing and their salaries and the principles of natural justice, we are of the opinion that the order passed by the Tribunal with regard to recovery of excess amount has to be struck down and it is

accordingly struck down to the extent of petitioners alone.

The writ petition is allowed to the extent indicated above.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 30-08-2007.

MVB.